

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

APPLETON PAPERS INC. and	)	
NCR CORPORATION,	)	
	)	
Plaintiffs,	)	
v.	)	No. 08-CV-16-WCG
	)	
GEORGE A. WHITING PAPER COMPANY,	)	
ET AL.,	)	
Defendants.	)	

---

NCR CORPORATION,	)	
	)	
Plaintiff,	)	
v.	)	No. 08-CV-0895-WCG
	)	
KIMBERLY-CLARK CORPORATION,	)	
ET AL.,	)	
Defendants.	)	

**DECLARATION OF EVAN WESTERFIELD**

I, Evan Westerfield, declare as follows:

1. I am an attorney duly licensed to practice law in the State of Illinois. I am a partner at the law firm of Sidley Austin LLP, counsel for NCR Corporation in the above captioned action. I have personal and first-hand knowledge of each of the matters set forth herein, and, if called and sworn as a witness, I can and will testify competently thereto. The contents of this declaration are true and correct to the best of my knowledge, information and belief and/or records maintained by Sidley Austin LLP.

2. I submit this declaration in support of Plaintiff NCR Corporation's Opposition to FRG Defendants' Civil Local Rule 7(h) Expedited Non-Dispositive Motion for Protective Order Regarding Discovery from NCR Corporation.

3. NCR offered to consolidate the Rule 30(b)(6) notices served on Defendants on October 4, 2011 and instead depose one witness as a representative of all the Defendants. Defendants never responded to this proposal.

4. During an October 7, 2011 meet and confer via telephone and again in a letter dated October 11, 2011, NCR offered to consider a written declaration in lieu of live deposition testimony of Defendants. Defendants never responded to this offer. Attached hereto as **Exhibit A** is a true and correct copy of the letter from Evan Westerfield to Mary Rose Alexander, dated October 11, 2011.

5. During Phase I, the Georgia-Pacific Defendants served a notice on NCR Corporation on July 29, 2009 seeking a Rule 30(b)(6) deposition thirty days later – the very last day of discovery in Phase I. Attached hereto as **Exhibit B** is a true and correct copy of Georgia-Pacific's 30(b)(6) notice to NCR Corporation, dated July 29, 2009.

6. During Phase II, Defendant Menasha Corporation served Requests for Admission and Interrogatories to NCR Corporation on September 30, 2011 – responses to which are due November 4, 2011, the very last day of discovery in this phase. Attached hereto as **Exhibit C** is a true and correct copy of Menasha Corporation's Requests of Admission and Interrogatories to NCR Corporation, dated September 30, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Evan B. Westerfield  
Evan B. Westerfield  
October 17, 2011

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2011, I electronically filed the Declaration of Evan Westerfield using the ECF system, which will send notification of such filing to: Philip Munroe at DiRenzo & Bomier LLC, [pmunroe@direnzollc.com](mailto:pmunroe@direnzollc.com); Scott Fleming at Weiss Berzowski Brady LLP, [sbf@wbb-law.com](mailto:sbf@wbb-law.com); David Mandelbaum at Greenberg Traurig, LLP, [mandelbaumd@gtlaw.com](mailto:mandelbaumd@gtlaw.com); Marc Davies at Greenberg Traurig, LLP, [daviesm@gtlaw.com](mailto:daviesm@gtlaw.com); Sabrina Mizrachi at Greenberg Traurig, LLP, [mizrachis@gtlaw.com](mailto:mizrachis@gtlaw.com); Monique Mooney at Greenberg Traurig, LLP, [mooneym@gtlaw.com](mailto:mooneym@gtlaw.com); Caleb Holmes at Greenberg Traurig, LLP, [holmesc@gtlaw.com](mailto:holmesc@gtlaw.com); Adam Silverman at Greenberg Traurig, LLP, [silvermana@gtlaw.com](mailto:silvermana@gtlaw.com); Philip Hunsucker at Hunsucker Goodstein & Nelson PC, [phunsucker@hgnlaw.com](mailto:phunsucker@hgnlaw.com); David Rabbino at Hunsucker Goodstein & Nelson PC, [drabbino@hgnlaw.com](mailto:drabbino@hgnlaw.com); Allison McAdam at Hunsucker Goodstein & Nelson PC, [amcadam@hgnlaw.com](mailto:amcadam@hgnlaw.com); David Edquist at von Briesen & Roper, s.c., [dedquist@vonbriesen.com](mailto:dedquist@vonbriesen.com); Christopher Riordan at von Briesen & Roper, s.c., [criordan@vonbriesen.com](mailto:criordan@vonbriesen.com); Patrick Wells at von Briesen & Roper, s.c., [pwells@vonbriesen.com](mailto:pwells@vonbriesen.com); Russell Wilson at Ruder Ware, [rwilson@ruderware.com](mailto:rwilson@ruderware.com); Linda Benfield at Foley & Lardner LLP, [ibenfield@foley.com](mailto:ibenfield@foley.com); Sarah Slack at Foley & Lardner LLP, [sslack@foley.com](mailto:sslack@foley.com); Paul Bargren at Foley & Lardner LLP, [pbargren@foley.com](mailto:pbargren@foley.com); Howard Iwrey at Dykema Gossett PLLC, [hiwrey@dykema.com](mailto:hiwrey@dykema.com); Joseph Basta at Dykema Gossett PLLC, [jbasta@dykema.com](mailto:jbasta@dykema.com); Daniel Murray at Johnson & Bell, Ltd., [murrayd@jbltd.com](mailto:murrayd@jbltd.com); Garrett Boehm, Jr. at Johnson & Bell, Ltd., [boehmg@jbltd.com](mailto:boehmg@jbltd.com); Frederick Mueller at Johnson & Bell, Ltd., [muellerf@jbltd.com](mailto:muellerf@jbltd.com); John Cermak, Jr. at Baker & Hostetler LLP, [jcermak@bakerlaw.com](mailto:jcermak@bakerlaw.com); Sonja Inglin at Baker & Hostetler LLP, [singlin@bakerlaw.com](mailto:singlin@bakerlaw.com); Timothy Anderson at Remley & Sensenbrenner, S.C., [tanderson@remleylaw.com](mailto:tanderson@remleylaw.com); Thomas O'Donnell at Calfee Halter & Griswold LLP, [todonnell@calfee.com](mailto:todonnell@calfee.com); William Coughlin at Calfee Halter & Griswold LLP, [wcoughlin@calfee.com](mailto:wcoughlin@calfee.com); Ted Waskowski at Stafford Rosenbaum LLP, [twaskowski@staffordlaw.com](mailto:twaskowski@staffordlaw.com); Richard Yde at Stafford Rosenbaum LLP, [ryde@staffordlaw.com](mailto:ryde@staffordlaw.com); Meg Vergeront at Stafford Rosenbaum LLP, [mvergeront@staffordlaw.com](mailto:mvergeront@staffordlaw.com); Paul Kent at Anderson & Kent, S.C., [pkent@staffordlaw.com](mailto:pkent@staffordlaw.com); James P. Walsh at the Appleton City Attorney's Office, [jim.walsh@appleton.org](mailto:jim.walsh@appleton.org); Lora L. Zimmer at Hinshaw & Culbertson LLP, [zimmer@hinshawlaw.com](mailto:zimmer@hinshawlaw.com); William Mulligan at Davis & Kuelthau, s.c., [wmulligan@dkattorneys.com](mailto:wmulligan@dkattorneys.com); Kevin Lyons at Davis & Kuelthau, s.c., [klyons@dkattorneys.com](mailto:klyons@dkattorneys.com); Tara Mathison at Davis & Kuelthau, s.c., [tmathison@dkattorneys.com](mailto:tmathison@dkattorneys.com); Elizabeth Miles at Davis & Kuelthau, s.c., [emiles@dkattorneys.com](mailto:emiles@dkattorneys.com); Thomas Schrimpf at Hinshaw & Culbertson LLP, [tschrimpf@hinshawlaw.com](mailto:tschrimpf@hinshawlaw.com); Ian Pitz at Michael Best & Friedrich, LLP, [iapitz@michaelbest.com](mailto:iapitz@michaelbest.com); Anthony S. Wachewicz, III at City of Green Bay, [tonywa@ci.green-bay.wi.us](mailto:tonywa@ci.green-bay.wi.us); Ted Warpinski at Friebert, Finerty & St. John, S.C., [taw@ffsj.com](mailto:taw@ffsj.com); S. Todd Farris at Friebert, Finerty & St. John, S.C., [stf@ffsj.com](mailto:stf@ffsj.com); M. Andrew Skwierawski at Friebert, Finerty & St. John, S.C., [mas@ffsj.com](mailto:mas@ffsj.com); Scott Hansen at Reinhart Boerner Van Deuren s.c., [shansen@reinhartlaw.com](mailto:shansen@reinhartlaw.com); Steven Bogart at Reinhart Boerner Van Deuren s.c., [sbogart@reinhartlaw.com](mailto:sbogart@reinhartlaw.com); John Van Lieshout at Reinhart Boerner Van Deuren s.c., [jvanlieshout@reinhartlaw.com](mailto:jvanlieshout@reinhartlaw.com); David Frank at Reinhart Boerner Van Deuren s.c., [dfrank@reinhartlaw.com](mailto:dfrank@reinhartlaw.com); Thomas Gottshall at Haynsworth Sinkler Boyd, P.A., [tgottshall@hsblawfirm.com](mailto:tgottshall@hsblawfirm.com); Stephen McKinney at Haynsworth Sinkler Boyd, P.A., [smckinney@hsblawfirm.com](mailto:smckinney@hsblawfirm.com); William Harbeck at Quarles & Brady LLP, [william.harbeck@quarles.com](mailto:william.harbeck@quarles.com); Nancy Peterson at Quarles & Brady LLP,

[nancy.peterson@quarles.com](mailto:nancy.peterson@quarles.com); Peter Karegeannes at Quarles & Brady LLP, [peter.karegeannes@quarles.com](mailto:peter.karegeannes@quarles.com); Susan Lovern at von Briesen & Roper, s.c., [slovern@vonbriesen.com](mailto:slovern@vonbriesen.com); Thomas Armstrong at von Briesen & Roper, s.c., [tarmstro@vonbriesen.com](mailto:tarmstro@vonbriesen.com); Michael P. Carlton at von Briesen & Roper, s.c., [mcarlton@vonbriesen.com](mailto:mcarlton@vonbriesen.com); Kelly Noyes at von Briesen & Roper, s.c., [knoyes@vonbriesen.com](mailto:knoyes@vonbriesen.com); Arthur Foerster at Latham & Watkins LLP, [Arthur.Foerster@lw.com](mailto:Arthur.Foerster@lw.com); Margrethe Kearney at Latham & Watkins LLP, [Margrethe.Kearney@lw.com](mailto:Margrethe.Kearney@lw.com); Mary Rose Alexander at Latham & Watkins LLP, [Mary.Rose.Alexander@lw.com](mailto:Mary.Rose.Alexander@lw.com); Karl Lytz at Latham & Watkins LLP, [Karl.Lytz@lw.com](mailto:Karl.Lytz@lw.com); Andrea Hogan at Latham & Watkins LLP, [Andrea.Hogan@lw.com](mailto:Andrea.Hogan@lw.com); Patrick J. Ferguson at Latham & Watkins LLP, [Patrick.Ferguson@lw.com](mailto:Patrick.Ferguson@lw.com); Nathan Fishbach at Whyte Hirschboeck Dudek S.C., [nfishbach@whdlaw.com](mailto:nfishbach@whdlaw.com); Jan Conlin at Robins, Kaplan, Miller & Ciresi L.L.P., [jmconlin@rkmc.com](mailto:jmconlin@rkmc.com); Sarah Lindsey at Warner Norcross & Judd LLP, [slindsey@wnj.com](mailto:slindsey@wnj.com); Steven Kohl at Warner Norcross & Judd LLP, [skohl@wnj.com](mailto:skohl@wnj.com); Matthew Adams at SNR Denton, [matthew.adams@snrdenton.com](mailto:matthew.adams@snrdenton.com); James Braza at Davis & Kuelthau, s.c., [jbraz@dkattorneys.com](mailto:jbraz@dkattorneys.com); Randall Stone at U.S. Department of Justice, [randall.stone@usdoj.gov](mailto:randall.stone@usdoj.gov); Joshua Levin at U.S. Department of Justice, [joshua.levin@usdoj.gov](mailto:joshua.levin@usdoj.gov); Matthew R. Oakes at U.S. Department of Justice, [matthew.oakes@usdoj.gov](mailto:matthew.oakes@usdoj.gov); Perry Rosen at U.S. Department of Justice, [perry.rosen@usdoj.gov](mailto:perry.rosen@usdoj.gov); Michael Hermes at Hermes Law, Ltd., [mlh@hermeslawltd.com](mailto:mlh@hermeslawltd.com); Brandon Evans at Hermes Law, Ltd., [bje@hermeslawltd.com](mailto:bje@hermeslawltd.com); Ericka L. Krumrie at Hermes Law, Ltd., [elk@hermeslawltd.com](mailto:elk@hermeslawltd.com); Heidi D. Melzer at Hermes Law, Ltd., [hdm@hermeslawltd.com](mailto:hdm@hermeslawltd.com); Dennis Birke at DeWitt Ross & Stevens S.C., [db@dewittross.com](mailto:db@dewittross.com); Ronald Ragatz at DeWitt Ross & Stevens S.C., [rrr@dewittross.com](mailto:rrr@dewittross.com); Megan Senatori at DeWitt Ross & Stevens S.C., [ms@dewittross.com](mailto:ms@dewittross.com); Gregory A. Krauss at Gregory A. Krauss PLLC, [gkrauss@krausspllc.com](mailto:gkrauss@krausspllc.com); J. Ric Gass at Gass Weber Mullins LLC, [gass@gasswebermullins.com](mailto:gass@gasswebermullins.com); David Turek at Gass Weber Mullins LLC, [turek@gasswebermullins.com](mailto:turek@gasswebermullins.com).

NCR CORPORATION

/s/ Evan B. Westerfield

One of Its Attorneys

Kathleen L. Roach  
Evan B. Westerfield  
Eric W. Ha  
Margaret R. Sobota  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, Illinois 60603  
Phone: (312) 853-7000  
Fax: (312) 853-7036  
Email: [kroach@sidley.com](mailto:kroach@sidley.com)  
[evanwesterfield@sidley.com](mailto:evanwesterfield@sidley.com)  
[eha@sidley.com](mailto:eha@sidley.com)  
[msobota@sidley.com](mailto:msobota@sidley.com)

Evan R. Chesler  
Sandra C. Goldstein  
Darin P. McAtee  
Omid H. Nasab  
Vanessa A. Lavelly  
CRAVATH, SWAINE & MOORE LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019  
Phone: (212) 474-1000  
Fax: (212) 474-3700  
Email: [echesler@cravath.com](mailto:echesler@cravath.com)  
[sgoldstein@cravath.com](mailto:sgoldstein@cravath.com)  
[dmcatee@cravath.com](mailto:dmcatee@cravath.com)  
[onasab@cravath.com](mailto:onasab@cravath.com)  
[vlavelly@cravath.com](mailto:vlavelly@cravath.com)